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FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 OCT 30 AM 10:21

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus GUTIERREZ-Robles,

Defendant

Magistrate Docket No.

BY:

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

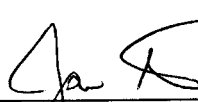
07 MJ 2554

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **October 29, 2007** within the Southern District of California, defendant, **Jesus GUTIERREZ-Robles**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

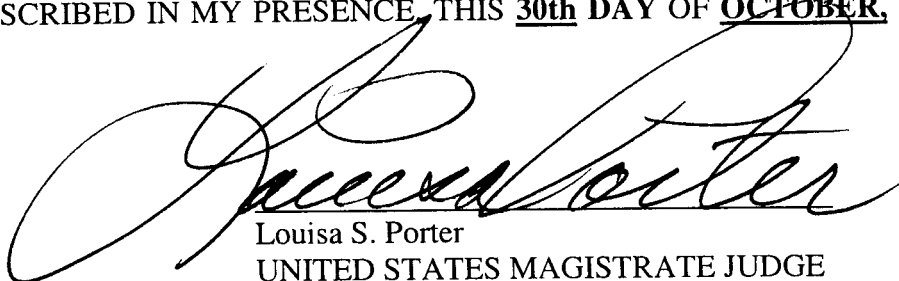
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF OCTOBER,
2007



Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jesus GUTIERREZ-Robles****PROBABLE CAUSE STATEMENT**

On October 29, 2007, at approximately 1:00 a. m., Supervisory Border Patrol Agent (SBPA) Filippi was assigned thermal scope duties in an area known to the Chula Vista Border Patrol Agents as "Bailey's Scope Site." This area is approximately two miles east of the Otay Mesa, California, Port of Entry and approximately three miles north of the United States/Mexico international boundary fence. SBPA Filippi notified Chula Vista Border Patrol Agents, via DHS service radio, of two suspected undocumented illegal aliens running northbound near the Bailey's Scope Site. Border Patrol Agent A. Calderon, acknowledged the transmission and responded to that area. As Agent Calderon approached the location, as directed by SBPA Filippi, where he found two individuals hiding in some brush. Agent Calderon identified himself as a United States Border Patrol Agent and then questioned them as to their citizenship and nationality. They both responded "Mexico," including one individual later identified as the defendant, **Jesus GUTIERREZ-Robles**. Agent Calderon then asked both individuals if they possessed any immigration documents allowing them to remain in the United States legally, in which both individuals responded "No." Agent Calderon placed them under arrest and had them transported to the Chula Vista Border Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 23, 2001** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant stated that he is a citizen and national of Mexico without the proper immigration documents to enter and or to remain in the United States legally. The defendant admitted to knowing that his entry into the U.S. was illegal and his destination was San Fernando, California.